

E.D. L.R. CV-81(c)(1),(3),(4), and (5), is included in Exhibit A. Pursuant to 28 U.S.C. § 1446 and Local Rule 81, FHFA attaches a copy of the pleadings, process, orders, civil cover sheet, and a certified copy of the docket sheet as Exhibit B.

3. The Taxing Entities' original petition was filed on April 26, 2017. The original petition was the initial pleading setting forth a claim for relief against FHFA. Service of summons of the lawsuit was accomplished FHFA on May 9, 2017. In accordance with 28 U.S.C. § 1446, this Notice is, therefore, being filed within the 30-day period required by such section. The only other defendant, Fannie Mae, consents to this removal. 28 U.S.C. § 1446(b)(2)(B).

4. Venue is proper in the United States District Court for the Eastern District of Texas, Sherman Division, because the State Court Action is pending within this district and division. See 28 U.S.C. § 1441(a) and 28 U.S.C. § 124(c)(3).

5. FHFA is an independent agency of the Federal Government and has regulatory authority over Fannie Mae. 12 U.S.C. § 4511(b). This Court has subject matter jurisdiction over this action because FHFA has the right to remove this entire action pursuant to 28 U.S.C. § 1442, which permits a federal agency to remove any "civil action" commenced against it to federal court. *See* 28 U.S.C. § 1442(a) ("A civil action . . . commenced in a State court against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending: (1) The United States or any agency thereof . . ."); *Nevada ex rel. Hager v. Countrywide Home Loans Servicing, LP*, No. 3:10-cv-419-RCJ-PAL, 2011 U.S. Dist. LEXIS 15056, at *11-12 (D. Nev. Feb. 4, 2011) ("FHFA, as conservator for Fannie Mae . . . is a federal agency with the right to remove."); *Kramer v. Fannie Mae (In re Fannie Mae 2008 Sec. Litig.)*, 2009 U.S. Dist. LEXIS 109888, at *12-13 (S.D.N.Y. Nov. 24,

2009) (“the FHFA, as an agency of the United States Government acting as Conservator for Fannie Mae and intervenor in the lawsuit, has an absolute right to remove any action that has been commenced against it...Section 1442(a)(1) of Title 28 of the United States Code grants federal agencies an absolute right of removal, and the Housing and Economic Recovery Act, 12 U.S.C. § 4617(b)(11)(B)(i), also recognizes the FHFA's right to remove.”).

6. By virtue of this notice, FHFA does not waive its right to assert any claims or other motions, including Rule 12 motions permitted by Federal Rules of Civil Procedure.

7. Pursuant to 28 U.S.C. § 1446(d) upon the filing of this removal, FHFA will promptly give written notice of the filing of this notice to the other parties and to the Clerk of 16th Judicial District, of Denton County, Texas.

8. Accordingly, until conclusion and final judgment, FHFA requests that this case be placed on the docket of this Court for further proceedings until conclusion and final judgment, as if it had originally been instituted in this Court.

Respectfully submitted,

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Certificate of Service

I certify that on June 6, 2017 a copy of the above pleading was served upon the counsel of record as listed below and the pursuant to the Federal Rules of Civil Procedure by United States Mail and as a courtesy by email.

/s/ Patrick Joost
Patrick Joost

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